

**2005 DRAFTING REQUEST**

**Bill**

Received: **10/26/2005**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Jeff Stone (608) 266-8590**

By/Representing: **Mike**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - sex offenses**

Extra Copies: **rac, jtk**

Submit via email: **YES**

Requester's email: **Rep.Stone@legis.state.wi.us**

Carbon copy (CC:) to: **robin.ryan@legis.state.wi.us**  
**cathlene.hanaman@legis.state.wi.us**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Halfway house for sexually violent persons

---

**Instructions:**

Eliminate bonding authority from 2001 Wisconsin Act 16

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 11/03/2005	lkunkel 11/07/2005		_____			State
/1			rschluet 11/07/2005	_____	sbasford 11/07/2005	lnorthro 01/10/2006	

FE Sent For:

<END>

*Handwritten:* HX into

**2005 DRAFTING REQUEST**

**Bill**

Received: **10/26/2005**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Jeff Stone (608) 266-8590**

By/Representing: **Mike**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - sex offenses**

Extra Copies: **rac, jtk**

Submit via email: **YES**

Requester's email: **Rep.Stone@legis.state.wi.us**

Carbon copy (CC:) to: **robin.ryan@legis.state.wi.us**  
**cathlene.hanaman@legis.state.wi.us**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Halfway house for sexually violent persons

---

**Instructions:**

Eliminate bonding authority from 2001 Wisconsin Act 16

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 11/03/2005	lkunkel 11/07/2005		_____			State
/1			rschluet 11/07/2005	_____	sbasford 11/07/2005		

FE Sent For:

<END>

**2005 DRAFTING REQUEST**

**Bill**

Received: **10/26/2005**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Jeff Stone (608) 266-8590**

By/Representing: **Mike**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - sex offenses**

Extra Copies: **rac, jtk**

Submit via email: **YES**

Requester's email: **Rep.Stone@legis.state.wi.us**

Carbon copy (CC:) to: **robin.ryan@legis.state.wi.us**  
**cathlene.hanaman@legis.state.wi.us**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Halfway house for sexually violent persons ✓

---

**Instructions:**

Eliminate bonding authority from 2001 Wisconsin Act 16 ✓

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida	1/1mk/7					

FE Sent For:

**<END>**

keep

2005 BILL

construction of a  
halfway house

REGN

✓

1 AN ACT *to renumber* 980.01 (1); *to renumber and amend* 980.08 (5) and  
2 980.105; *to amend* 20.866 (2) (v), 301.46 (5) (c) (intro.), 980.09 (1) (c), 980.09  
3 (2) (c), 980.101 (2) (a) and 980.105 (title); *to create* 73.03 (11m), 301.46 (5) (bm),  
4 946.465, 980.01 (1b), 980.01 (1g), 980.08 (5) (b) 4., 980.08 (5) (c), 980.08 (6),  
5 980.08 (7), 980.1005 and 980.105 (2m) of the statutes; and *to affect* 2003  
6 Wisconsin Act 187, section 7m; **relating to:** ~~global positioning system tracking~~  
7 for sexually violent persons, placement of persons on supervised release  
8 changes to the sex offender registry Web site, and providing a penalty keep

***Analysis by the Legislative Reference Bureau***

Under current law, a person who commits a sexually violent offense may be committed to the Department of Health and Family Services (DHFS) after serving a sentence or disposition for the offense if a court finds that the person is a sexually violent person. Current law defines a "sexually violent person" as a person: 1) who has been convicted of, or adjudicated delinquent for, a sexually violent offense or who has been found not guilty of a sexually violent offense by reason of mental disease, defect, or illness; and 2) who is dangerous because he or she suffers from a mental disorder that makes it more likely than not that he or she will engage in acts of sexual violence.

**BILL** *which would have been for placing  
sexually violent persons on supervised release*

assessed value that comparable property in the county where the person's property is located sold for in the previous year.

This bill adds conditions for supervised release. A person who is on supervised release must be tracked by DHFS using a global position system (GPS) tracking device. DHFS must create "exclusion zones" for each person. The bill defines an "exclusion zone," for all tracked persons, to be a 300-foot radius surrounding a child care facility; a state, county, city, town, or village park; a youth or community center; a public swimming pool; or the grounds of a public or private school. An "exclusion zone" may also be any zone that is a prohibited zone under the tracked person's individualized conditions of supervised release. The GPS tracking device will alert DHFS if a tracked person enters an exclusion zone. This bill also prohibits a person on supervised release from living within 3,000 feet of a child care facility; a state, county, city, town, or village park; a youth or community center; a public swimming pool; or the grounds of a public or private school. In addition, for the first year of supervised release, DHFS must restrict the person to his or her home except for employment purposes, religious purposes, or for caring for basic living needs.

Under current law, a person may petition the committing court for discharge from DHFS custody with or without the approval of the secretary of health and family services. The court must grant the petition unless the state proves that the person is still a sexually violent person. This bill requires DHFS to use a GPS tracking device to track a person who has been otherwise discharged from DHFS custody. The discharged person is subject to the same general exclusion zones as a person on supervised release.

This bill prohibits a person from tampering with a GPS device required by the bill. A person who violates this prohibition is guilty of a felony and may be fined up to \$10,000, sentenced to a term of imprisonment of up to three years and six months, or both.

Current law requires a person who commits a specified sex offense in Wisconsin to register as a sex offender with the Department of Corrections (DOC). A person who commits a sex offense in another state and who resides, attends school, or works within this state is also required to register with DOC. DOC must provide access to information about the registry on an Internet site. This bill specifies what information must be provided on the Internet site, including notification that the person is a sexually violent person, a current photograph of the person, the person's name and home address, the time and place of any scheduled hearings, the name and court of the judge who authorized supervised release or discharge for the person, and the date that the information was last updated.

This bill deletes from the 2001-03 authorized state building program a project for DHFS identified as "Transitional halfway house." The project is to be funded with \$1,295,500 in general fund supported borrowing.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

*The bill also reduces the amount of  
general fund supported debt  
that the state may incur by the  
same amount.*

**BILL**

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

✓  
SECTION 1. 20.866 (2) (v) of the statutes is amended to read:

20.866 (2) (v) *Health and family services; mental health and secure treatment facilities.* From the capital improvement fund, a sum sufficient for the department of health and family services to acquire, construct, develop, enlarge or extend mental health and secure treatment facilities. The state may contract public debt in an amount not to exceed \$129,057,200 \$127,761,700 for this purpose.

~~SECTION 2. 73.03 (11m) of the statutes is created to read:~~

~~73.03 (11m) To annually determine, by county and class of property, the average percentage over assessed value that all property in the state sold for in the previous year and to publish the information under this subsection for purposes of s. 980.08 (6) (d).~~

~~SECTION 3. 301.46 (5) (bm) of the statutes is created to read:~~

~~301.46 (5) (bm) The department shall provide on the Internet site required under sub. (5n) the following information concerning persons registered under s. 301.45:~~

~~1. If the person is a sexually violent person, as defined in s. 980.01 (7), a notice, written in red letters, of that status.~~

~~2. A current color photograph of the person, if available, and a physical description including sex, race, height, weight, eye color, and hair color.~~

~~3. The person's name and home address.~~

LPS: skips to  
pg 12

**BILL****SECTION 19**

1           980.105 (1m) (b) The department shall apply the criteria for consideration of  
2 residence and physical presence under sub. (1) par. (a) to the facts that existed on the  
3 date that the person committed the sexually violent offense that resulted in the  
4 sentence, placement, or commitment that was in effect when the petition was filed  
5 under s. 980.02.

6           **SECTION 20.** 980.105 (2m) of the statutes is created to read:

7           980.105 (2m) The department shall determine a person's city, village, or town  
8 of residence for the purposes of s. 980.08 (5) (a) by doing all of the following:

9           (a) The department shall consider residence as the voluntary concurrence of  
10 physical presence with intent to remain in a place of fixed habitation and shall  
11 consider physical presence as prima facie evidence of intent to remain.

12           (b) The department shall apply the criteria for consideration of residence and  
13 physical presence under par. (a) to the facts that existed on the date that the person  
14 committed the sexually violent offense that resulted in the sentence, placement, or  
15 commitment that was in effect when the petition was filed under s. 980.02.

16           **SECTION 21.** 2003 Wisconsin Act 187, section 7m is repealed.

17           **SECTION 22. Nonstatutory provisions.**

18           (1) BUILDING COMMISSION. In 2001 Wisconsin Act 16, section 9107 (1) (d) 1.,  
19 under projects financed by general fund supported borrowing, the 2001-03 state  
20 building program project identified as Transitional halfway house is deleted and the  
21 appropriate totals are decreased accordingly. ✓

22           **SECTION 23. Initial applicability.**

23           (1) The treatment of section 980.08 (7) of the statutes first applies to all persons  
24 who are on supervised release on the effective date of this subsection.

(end)

**Northrop, Lori**

---

**From:** Pyritz, Michael  
**Sent:** Tuesday, January 10, 2006 12:38 PM  
**To:** LRB.Legal  
**Subject:** LRB 3943/1

When possible could the follow up materials be sent to our office for LRB 3943/1. I have sent the electronic copy out for co-sponsorship and have received back the names. I would like to get this into Bill form asap.

Thank you for assistance with this matter,

Michael Pyritz  
Leg Aide. 82nd Assembly Dist.  
6-8590

*called 1-10-06  
wants jacketed  
for  
Rep Stone*